

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL TRADE COMMISSION and STATE OF
ILLINOIS

Plaintiffs,

v.

ADVOCATE HEALTH CARE NETWORK,
ADVOCATE HEALTH AND HOSPITALS
CORPORATION, and NORTHSORE
UNIVERSITY HEALTHSYSTEM,

Defendants.

Case No. 1:15-cv-11473

Judge Jorge L. Alonso
Magistrate Judge Jeffrey N. Cole

MOTION OF NON-PARTY LAND OF LINCOLN HEALTH, INC. TO INTERVENE

Third Party Land of Lincoln Health, Inc. has produced documents and presented a corporate designee for deposition in response to subpoenas from the Plaintiffs and Defendants. Recently, Plaintiffs provided notice to Land of Lincoln that a declaration executed by one of its executives and the deposition testimony of its corporate designee might be introduced at the hearing that is scheduled in this action.

Recently, on March 28, 2016, Land of Lincoln received notice from Plaintiffs that they have placed two of Land of Lincoln's documents on their exhibit list that contain HIGHLY CONFIDENTIAL information and that these materials may be presented at the hearing. Plaintiffs indicated that this notice was being provided pursuant to the Parties Proposed Joint Pre-Hearing Stipulation, dated March 24, 2016. [ECF. No. 213.]

Rule 24(a) of the Federal Rules of Civil Procedure provides that, on timely motion, a person must be permitted to intervene in an action where it has an interest that may be

impaired and that interest is not adequately represented by the parties. Rule 24(b) provides the Court with discretion to allow a person to intervene where that person can show an interest common to a claim or defense in the main action. These rules have been recognized as providing rights to non-parties, like Land of Lincoln, to intervene to obtain relief in connection with protective orders and to obtain protection for materials produced in discovery. *See* 7 Wright & Miller, Federal Practice & Procedure, § 1911 (2007). Indeed, in this action, this Court has previously allowed similarly situated non-parties to intervene to address provisions of the Agreed Confidentiality Order. [ECF. No. 78.] This Court should likewise grant Land of Lincoln's motion.

Respectfully Submitted,

LAND OF LINCOLN HEALTH, INC.

By: /s/Paul Olszowka
One of its Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby states that the above MOTION OF NON-PARTY LAND OF LINCOLN HEALTH, INC. TO INTERVENE was served on all parties of record, via this Court's ECF filing system on April 1, 2016.

/s/Paul Olszowka _____